

17/12/2023  
27/12/2023  
4/1/2024  
6/1/24  
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Closed  
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# महाराष्ट्र राज्य मानवी हक्क आयोग



## Maharashtra State Human Rights Commission (MSHRC) Mumbai

Allotted to Court No. : 1/ 2/ 3  
DOCKET SHEET

### DOCKET SHEET

SUO MOTU CASE NO: 19/13/37/2023

News item appeared in Hindi News Paper "NAVBHARAT TIMES"

On 29.12.2022, in respect of "हादसो को दावत दे रहा है सतीवली का बदहाल उद्यान"

SUMMARY

# हादसों को दावत दे रहा है सातीवली का बदहाल उद्यान !

■ सुरेंद्र नेगी, वसई: वसई-विवर मनपा (वीवीएमसी) क्षेत्र में मूलभूत सुविधाओं की मांग सालों से चली आ रही है। मनपा क्षेत्र में ज्यादातर विकास कार्य अधूरे पड़े हैं या फिर लापरवाही की भेंट चढ़ गए हैं। कहीं रख रखाव के अभाव में लाखों का सरकारी सामान टूटा पड़ा है, तो कहीं लापरवाही के चलते मनपा के करोड़ों रुपये पानी में डूब गए हैं। ऐसा ही एक मामला वसई पूर्व स्थित सातीवली के गांव देवी उद्यान से सामने आया है, यहां लोगों के लिए व्यायाम व जॉगिंग के लिए बनाए उपकरण टूटे-फूटे पड़े हैं। इनका इस्तेमाल जानलेवा हो सकता है। इससे स्थानीय लोगों में भारी नाराजगी देखी जा रही है। नागरिकों का कहना है कि यहां बड़ी संख्या में बच्चे टहलने आते हैं, लेकिन टूटे-फूटे उपकरणों की वजह से हादसों का डर बना रहता है।

जानकारी के अनुसार, वीवीएमसी के पास कुल 135 गार्डन व तालाब हैं। इनकी देखरेख व खेलकूद के उपकरणों पर मनपा हर वर्ष करोड़ों रुपये खर्च करती है। वर्तमान में इनकी स्थिति बदहाल हो चुकी है। वसई पूर्व के सातीवली स्थित गांव देवी उद्यान इन दिनों काफी खराब स्थिति में है। यहां सुबह-शाम जॉगिंग व व्यायाम करने वाले लोग डरे हुए रहते हैं। दरअसल व्यायाम के सारे उपकरण टूट चुके हैं। इसी तरह तालाब के चारों ओर की दीवार कई जगहों पर धंस



■ गांवदेवी उद्यान में टूटे पड़े हैं उपकरण

■ वीवीएमसी के पास 135 गार्डन व तालाब हैं, बदहाल स्थिति में हैं कई गार्डन

■ हर साल करोड़ों रुपये खर्च करने के बाद भी नहीं सुधरते हालात

चुकी है। इसके कारण सुबह जॉगिंग करने वाले लोग चौंटे हो जाते हैं। स्थानीय निवासी बृजेश यादव ने बताया कि सुबह व

शाम यहां जॉगिंग के लिए आने वाले लोग उपकरणों का इस्तेमाल करने से डरते हैं, उद्यान के आसपास की दीवारों पर बड़ी-बड़ी दरारें पड़ी हैं। साथ ही बच्चों के झुले व अन्य उपकरण टूटे पड़े हैं। स्थानीय नेताओं व मनपा अधिकारियों की लापरवाही एक दिन आम नागरिकों पर भारी पड़ सकती है। मनपा आयुक्त अनिल कुमार पवार को इस गंभीर समस्या पर ध्यान देना चाहिए। इस संबंध में जब मनपा के संबंधित अधिकारी राजेन्द्र लाड से संपर्क किया तो उन्होंने फोन नहीं उठाया।

INWARD..... 42/CR/2023  
RECEIVED BY..... 2.1.23  
CLERK.....  
REGISTRAR.....





# MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Maharaj Terminus, Mumbai - 400 001

Tel : 22092857 Email:- court1-mshrc@mah.gov.in

## KKT/Suo Moto Case No.- 19/13/37/2023

Name of Respondent

: 1. The Collector  
Palghar

2. The Municipal Commissioner  
Vasai Virar Municipal Corporation  
Virar, Thane

Date

: 2<sup>nd</sup> January 2023

Coram

: Justice K.K. Tated, Chairperson

## PROCEEDING

Not on board. Taken on board.

2. We noticed news appeared in Hindi News paper Nav Bharat Times dated 29.12.2022 on page 4 with heading "हादसों को दावत दे रहा है सातीवली का बदहाल उद्यान!"

3. It is stated in the said news that Vasai Virar Municipal Corporation failed and neglected to maintain a garden in Sativali area. All instruments are in damaged condition. It is also stated in the said news that Municipal Corporation have near about 135 gardens and Ponds and all of them are in bad condition.

4. It is to be noted that to have a garden is right of children of the locality and if it is not provided by that authority that amounts to violation of human rights.

5. Human rights are standards that recognize and protect the dignity of all human beings. Human rights govern how

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individual human beings live in society and with each other, as well as their relationship with the State and the obligations that the State have towards them.

Human rights law obliges governments to do some things, and prevents them from doing others. Individuals also have responsibilities: in using their human rights, they must respect the rights of others. No government, group or individual person has the right to do anything that violates another's rights.

6. Considering these facts stated in the said news Commission decided to take up this matter as suo moto under Section 12 of the Protection of Human Rights Act, 1993. Hence, following order is passed:

- a) Office is directed to issue summons to the Collector, Palghar and Municipal Commissioner, Vasai Virar Municipal Corporation calling upon them to file affidavit in reply explaining following points:
  - i. Their comments on article appeared in Nav Bharat Times dated 29.12.2022.
  - ii. How many gardens are maintained by Corporation?
  - iii. Date of construction and how much amount is spent on those gardens?
  - iv. When the last repair is done by the Corporation in respect of those gardens?
  - v. Collector, Palghar is directed to inform the concerned Tahshildar to visit each and every garden and prepare status report of the same.

- b) All these information to be filed by way of affidavit on or before 16.02.202.
- c) **Matter to appear on board before Division Bench of Justice K.K. Tated, Chairperson and Shri. M. A. Sayeed, Member in Court No.1 on 16<sup>th</sup> February 2023 at 11.00 a.m.**

  
(Justice K. K. Tated)  
Chairperson





## MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Maharaj Terminus, Mumbai - 400 001

Tel : 22092857 Email - court1-mshrc@mah.gov.in

### DIVISION BENCH

Suo Motu Case No.- 19/13/37/2023 13874

Name of Respondent

: Collector  
Palghar

Municipal Commissioner  
Vasai Virar City Municipal Corp.  
Vasai

Date

: 05<sup>th</sup> July, 2023

Coram

: Justice K.K. Tated, Chairperson  
M.A.Sayeed, Member

### ORDER

(Per: M. A. Sayeed, Hon'ble Member)

Suo motu cognizance u/s. 12 of the Act of 1993 came to be taken by this Commission on the strength of alarming news article in Hindi newspaper 'Navbharat Times', dated 29.12.2022, about alleged non action on the part of Vasai Virar City Municipal Corporation in maintaining public garden in Sativali area. Following directions vide para 6(a) & (b) came to be issued by the Commission which reads thus:

**"6 (a) Office is directed to issue summons to the Collector, Palghar and Municipal Commissioner, Vasai Virar Municipal Corporation calling upon them to file affidavit in reply explaining following points:**

- i. Their comments on article appeared in Nav Bharat Times dated 29.12.2022

- ii. How many gardens are maintained by Corporation?
- iii. Date of construction and how much amount is spent on those gardens?
- iv. When the last repair is done by the Corporation in respect of those gardens?
- v. Collector, Palghar is directed to inform the concerned Tahshildar to visit each and every garden and prepare status report of the same.
- b) All these information to be filed by way of affidavit on or before 16.02.2023."

2. In compliance of the above noted directions affidavit in reply Ex. 'A' came to be submitted by Mr. Kishor Gavas, Dy. Municipal Commissioner, Vasai Virar City Municipal Corporation affirming in para 4 to 9 as under:

"4. I say that for carrying and conducting garden repairing works of children play equipment's, adult exercise machines, jogging track and color of the walls and for removal of sediments from the pond, The Division Committee of G Waliv area Ward No: 90 has formulated the ad valorem expenses RESOLUTION No. (2655) of Rs.49,69,776 rupees (Rs. Forty Nine Lakhs Sixty Nine Thousand Seven Hundred And Seventy Six Rupees Only/-) which has also been administratively sanctioned by Hon Municipal Commissioner of VVMC on Dated (09/03/2023) hereto marked and annexed is the copy of the resolution. (Exhibit - A)

5. I further say That after we have published it the Sakal, Vruttmanas, Free Press Journal of name the new papers for the purpose of inviting the tenders hereto marked and annexed is the copy of the published letter. (Exhibit - B)

6. I say That the children play equipment's, in the garden has been repaired hereto marked and annexed is the copy of the photographs. (Exhibit - C)

7. I say that there are total number of 128 gardens maintained by the vasai virar municipal corporation.



8. I further say that the Sativali gardens were constructed on 2014-2015 and total amount of Rs 10939207 were spent on the gardens.

9. I say that the said garden children play equipment was repaired on 15/02/2023."

3. Pertinent to note that above affirmed statements are supported with authentic documents including the photographs, substantiating the above noted affirmed contentions. Thus, it can be safely concluded that the issues raised in the news article came to be duly rectified by the corporation. Hence following order:

"ORDER"

a) The present suo motu case stands closed and disposed off with no order as to cost.

  
(M.A. Sayeed)  
Member

  
(Justice K. K. Tated)  
Chairperson